

their health care. It is off the table. It is not going to happen. There are 100 of us. Not a single one of us is going to support taxing those individuals. But I do think Democrats and Republicans, just like Robert Reich and Bob Greenstein on the Democratic side and conservatives going back to Milton Friedman on the Republican side, have said we can come together and find a way to make sure in the future these rules do not subsidize inefficiency and also disproportionately favor the most affluent.

What is tragic in the State of Delaware, the State of Oregon, the State of Georgia, is, if somebody does not have health care coverage and works in a furniture store outside Atlanta, they, in effect, have their Federal tax dollar subsidize somebody who is particularly well off who decides they want to get a designer smile in their health care plan.

Can we not all say in the interest of protecting taxpayers and fairness that we want that person who is interested in their designer smile to be able to buy as many of them as they want; but can we not agree, Democrats and Republicans, that if they are going to get a designer smile, they are going to pay for it with their own money rather than with subsidized dollars?

In each of these areas I mentioned there is an opportunity for Democrats and Republicans to come together. What each of the areas I have touched on deals with is making health care more affordable—more affordable for individuals, more affordable for families, and more affordable for taxpayers who are getting pretty darned worried about the debts that are being incurred and the prospect that their kids and their grandkids are going to have to pick up some of these bills.

I believe one of the keys to making health care more affordable is to make it possible for the individual, largely as part of a group where they can have some clout, to be rewarded for making a financially sound decision for herself and her family and to have a choice to go to the kind of program that makes sense for her and her family.

The current statistics show 85 percent of our people who are lucky enough to have employer coverage get no choice. Let me repeat that. Eighty-five percent of those who are lucky enough to have employer coverage get no choice.

Every one of us is going to require that a final bill protect somebody's right to keep the coverage they have. Mr. President, 100 Senators are going to vote for the requirement that you can keep the coverage you have. But can we not agree, as Democrats and Republicans, that we are also going to say you ought to have some other choices? I would like those choices to be in the private sector. If you can find a plan that is financially in your interest, you can keep the difference between what your health care costs today and what this new health pack-

age you buy costs. You can keep the difference. We will have a functioning market. If you save \$600, \$800 on the health care you buy, you have \$800 to go fishing in Oregon, and I suspect the Senators from Delaware and Georgia may have some other ideas for where people can use their savings.

The point is, we will have created a market where there is none now. I consider the current health care system today, for all practical purposes, a money-laundering operation. What we have done largely since World War II is set it up so that third parties call the shots, and there are not any opportunities for individuals who want to make a cost-conscious choice to buy a good quality health care package. In effect, the individual has been divorced from the process completely.

I am not calling for individuals to go off into the health insurance marketplace by themselves. What I am saying is they ought to have the opportunity, as we have as Members of Congress, to be part of a large group where they can have clout, where they aren't discriminated against, where they do have power in the marketplace to make a sensible choice for themselves and their family.

So in each of these areas, Mr. President—and this is why I wanted to come to the floor of the Senate today, because I know emotions are starting to run hot on this health issue—I have outlined ways in which Democrats and Republicans can come together. The Congressional Budget Office, which is the independent arbiter of all of this, has largely scored the proposals I have outlined in the legislation that 14 Senators are in support of as being budget neutral over a 2-year phase-in period. The CBO has said that in the third year the proposals would actually start bending the cost curve downward.

I close with this—and I thank my colleague and friend from Georgia for his patience—I think we have five of our most dedicated legislators working now on a bipartisan basis in two committees to bring Democrats and Republicans together. The leaders on the Finance Committee on which I serve—Chairman BAUCUS and Senator GRASSLEY have been extremely fair and gracious. They have put untold hours into this issue. Both of them have spent an exceptional amount of time with me, and they have extended that offer to literally any Member of the Senate, to sit down and spend time with them to try to address this bill in a bipartisan way. In the HELP Committee, Senator KENNEDY, Senator DODD, and Senator ENZI who serves on both committees, are extending the same kind of goodwill. I have told the leaders of both of these committees I am going to do everything I can to bring to them the ideas I have outlined today that have strong bipartisan support and have been scored by the Congressional Budget Office as saving money and pushing the cost curve downward. I have great confidence in the leaders of those two

committees, because they are showing they want to spend the time to bring the Senate together.

I see the distinguished Senator from Maine on the floor, and I know that for a lot of us who have worked together on health care over a lot of years, this is a historic opportunity. This is the place—the Senate—and this is the time to get it done. I believe Democrats and Republicans coming together can make it happen.

Mr. President, with that I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, I rise to speak about the Family Smoking Prevention and Tobacco Control Act, but before I do I want to compliment the Senator from Oregon for his passion and his eloquent statement on behalf of renovating and reforming our health care system. That certainly will be a historic occasion. I have worked with him on so many instances in the past, in a bipartisan fashion, on key issues, such as prescription drugs and adding the critical Part D benefit to the Medicare Program. That also was a historic event in the Medicare Program—the first major expansion of Medicare since its inception. I look forward to working with him in a genuine bipartisan way to build a consensus for this historic occasion that is so essential and so important to all Americans.

It is important to get it right. It is important that we work together in a concerted fashion, as we have in the past. And certainly on the Senate Finance Committee, as we begin to proceed to mark up legislation in the future, I certainly am looking forward to working with him.

Mr. REED. Madam President, would the Senator yield for a parliamentary request?

Madam President, at the conclusion of the remarks of the Senator from Maine, I ask unanimous consent to be recognized for 5 minutes, and then following me that Senator ISAKSON be recognized for 10 minutes.

The PRESIDING OFFICER (Mrs. SHAHEEN). Is there objection?

Without objection, it is so ordered.

Mr. REED. I thank the Senator and the Chair.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Ms. SNOWE. Madam President, I am proud to join my colleagues in expressing first and foremost my admiration for Senator KENNEDY, for his long-standing, vigorous leadership, which has been the impetus behind this legislation. Undeniably, Senator KENNEDY continues to serve as the strongest of champions on so many matters relating to health care, and I am certainly,

as we all are, grateful for his tireless contributions to this major initiative. I also commend Senator DODD, who has been guiding this legislation here in the Senate, and I certainly appreciate all of his efforts to make sure that this legislation becomes a reality. I also appreciate the public health agencies and advocates who work ceaselessly to address these serious public health problems associated with tobacco, as we all well know, and who are committed to the task of reducing youth smoking. I certainly want to commend States such as Maine that have used their funds from the 1998 tobacco settlement to reduce smoking rates.

First and foremost, it is regrettable as the first decade of the 21st century draws to a close that we are even having this debate when the American Lung Association reports that cigarette smoke contains more than 4,800 chemicals, 69 of which are known to cause cancer, and that smoking is directly responsible for approximately 90 percent of lung cancer deaths, and that 8.6 million people in the United States have at least one serious illness caused by smoking.

In addition, the Centers for Disease Control and Prevention estimates that smoking costs the country \$96 billion a year in health care costs and another \$97 billion a year in lost productivity.

It didn't have to be this way. Looking back over the last several Congresses, I can tell you that many of my Senate colleagues have engaged on this issue of tobacco usage's ill effects for the better part of a decade. I well recall during the 105th Congress at least five comprehensive tobacco policy bills which were introduced in the Senate. The Senate Commerce Committee, on which I have served, held no fewer than 10 hearings on issues ranging from how to implement the tobacco settlement to protecting children from the health risks of becoming a smoker to reviewing marketing and labeling restrictions that were under consideration at the time.

In 1997, Senator MCCAIN, who then chaired the Commerce Committee, introduced the National Tobacco Policy and Youth Smoking Reduction Act, which contained many of the very same safeguards as the measure currently before us. While on the one hand it is irrefutable that protecting youth from the harms of smoking and ensuring tobacco products are manufactured under high standards was the correct course of action in 1997, how is it conceivable it has taken 12 years to get this right? Why, after the first warning 25 years ago by the Surgeon General on the hazards of smoking, has that message not been translated into law?

Why is Congress taking this action now? What has changed since 1997 to prompt this renewed action? For one, there has been a justifiable drumbeat of outrage over fraudulent findings that has grown louder by the decade as the tobacco industry has been less than forthcoming, and at times deceitful, in

providing consumers with information to make informed decisions about smoking.

In fact, in August of 2006, a district court judge found that several tobacco companies intentionally manipulated information, lied, and conspired "to bring new, young and hopefully long-lived smokers into the market in order to replace those who die or quit." Furthermore, the Harvard School of Public Health study in 2008 found that cigarette companies strategically manipulated menthol levels in cigarettes to attract and addict young people. It is bad enough Congress could have acted and chose not to do so, but what makes the situation even worse is that, in the interim, tobacco companies have ratcheted up their marketing campaigns.

Congress is tackling the tobacco issue again in the wake of discovering how tobacco manufacturers add substances to cigarettes to increase their addictiveness, enhance the taste—and this is unbelievable—making them more palatable to children. Menthol makes an individual's airways less reactive to the harsh effects of smoking, and ammonia is often added to speed the delivery of nicotine to the smoker's brain.

That is not to say we haven't made progress in trying to limit some of the negative health effects of cigarette smoking. We have. Since 1983, the proportion of Americans who smoke has declined from 30 to 24 percent, and since the landmark 1964 Surgeon General report, our knowledge of health risks of tobacco has expanded greatly. And yet, without substantial initiatives by Congress, in the past 10 years the rate of tobacco use has not dropped but merely stabilized. Today, approximately 1 in 5 youth and adults smokes regularly.

The first step toward addressing the enormous toll taken on our Nation by smoking is to equip the Federal Government with the tools it requires to hold purveyors of tobacco to account. For too long, there has been a vacuum in authority when it comes to regulating smoking at the Federal level. Our bill, the Family Smoking Prevention and Tobacco Control Act, would create the kind of restrictions that the Food and Drug Administration unsuccessfully tried to impose on the tobacco industry in 2000. Unfortunately, the Supreme Court held that Congress had not yet granted the FDA explicit authority to regulate tobacco. The purpose of the FDA restrictions was to prevent the tobacco industry from marketing its products to kids or to create products that are specifically attractive to children, such as flavored cigarettes. Granting FDA the authority to protect the children from these potentially deadly products is paramount. Thus, the legislation before us would allow regulation of manufacturers of tobacco products in order to ensure standards of content, label, and marketing.

Under our bill, the Secretary of Health and Human Services would be authorized to develop regulations that impose guidelines on the advertising and promotion of a tobacco product consistent with and to the full extent permitted by the first amendment to the Constitution. These regulations would be based on whether they would be appropriate for the protection of public health. It is imperative that we provide the FDA the flexibility to respond to inevitable tobacco industry attempts to circumvent restrictions, while acknowledging the rights of the tobacco industry to sell its products to consenting adults.

While this bill allows that informed adults ought to be able to purchase tobacco products, we must also understand that many smokers want to quit smoking. In 2006, 44 percent of smokers stopped smoking at least 1 day in the preceding year because they were trying to quit smoking completely. Undoubtedly, for some, cessation is more difficult, and as they struggle to limit their risk, those individuals will seek out products which they understand to be less hazardous, such as lower tar and nicotine products. While these actions are admirable, their benefits are indisputably limited. That is partially because the tobacco industry has waged a marketing campaign to convince consumers that they can continue to smoke and mitigate the negative health impacts of smoking by choosing alternatives, such as light, low tar, and low nicotine cigarettes. Again, an FDA with the authority to regulate the production and marketing of tobacco products is the most viable answer.

Our approach would also ensure that the scientific expertise of the FDA is applied to appropriately regulate tobacco. Current smokers deserve to learn more about the products they consume. Additionally, we must have much improved marketing oversight, so that children and adults are not targeted with false or deceptive advertising of a dangerous product.

To that end, I was pleased to join with Senator LAUTENBERG in sponsoring legislation that would end the fraud of allowing the tobacco industry to perpetuate the Orwellian idea of the safer cigarette. The Truth in Cigarette Labeling Act was a bill Senator LAUTENBERG and I introduced to prohibit the cigarette companies from using the "FTC method" for measuring tar and nicotine, which had been found to be a deceptive method of presenting data on tar and nicotine exposure through smoking.

Thankfully, the Federal Trade Commission agreed to implement the Lautenberg-Snowe bill by not allowing tobacco companies to label their products with low tar, low nicotine, and light. To augment that effort, Senator LAUTENBERG and I sent a letter to the FTC supporting the decision to curtail these deceptive marketing tactics and finally holding cigarette producers to higher standards in advertising their products.

As I stated at the outset, since 2000, efforts at smoking reduction have largely atrophied. A Harris poll released just last year demonstrated that after two decades of reduction in smoking rates, progress has stalled. In 2009, do we really want to say that one in four Americans smoking is an acceptable statistic, and that we will turn a blind eye to the fact that all too many young Americans have taken up smoking? Do we really want to say that although in the last 12 years America created YouTube, the iPod, the iPhone and more—yet we can't keep children from smoking altogether or substantially lower the instances of smoking by adults. Our response must be nothing less than the bill we are championing today.

And make no mistake, time is of the essence. The reality is the average smoker begins at age 19. So many individuals take up tobacco use before they can ever legally purchase the product. And let there be no mistake about it—our youth are targeted to be the next generation of tobacco consumers.

In fact, in my home State of Maine, 1 in 7 high school students currently smokes, and each year, 1,600 youth become new daily smokers. And most concerning, an estimated 27,000 youth now living in Maine will die prematurely from health consequences related to cigarette smoking, and health care costs in Maine directly caused by smoking have reached a whopping \$602 million annually.

Maine has responded with a comprehensive tobacco prevention and control program known as the Partnership for a Tobacco-Free Maine which is funded with proceeds from the tobacco settlement. And I am proud to say that Maine is among the States that have maximized their tobacco settlement money for the purpose of reducing smoking rates and easing related health problems. That is why Maine has established Healthy Maine Partnerships, including 31 local partnerships that span the entire geography of Maine, which are engaging in more than 156 policy and environmental change efforts to reduce tobacco use, increase physical activity, and encourage healthy eating at local schools, worksites, hospitals, recreation centers and other community sites.

While I commend the efforts of States such as Maine in attempting to stem the tide of youth smoking, what we have not yet dealt with is the known practices of tobacco companies marketing directly to our children. The fact is, the industry has not only targeted children as its new customers, but it has designed products for them as well. Even as one prohibition is imposed—such as restricting the use of cartoon characters like “Joe Camel”—we find that the tobacco industry devises a new scheme. We witnessed the new flavored products in packaging which was designed to appeal to a new generation. Many “child-oriented” flavors have been developed including

such varieties as chocolate, vanilla, berry, lime and the package I am holding—coconut-and-pineapple-flavored Kauai Koala.

Although State-level bills to ban flavored cigarettes have been introduced in New York, Minnesota, West Virginia, Connecticut, Illinois, North Carolina, and Texas—a move in the right direction to be sure—there is more we must do. It is time for Congress to act to protect our youth—to safeguard our children and in the process send a clear message to those in the tobacco industry that we will not permit them to recruit our children at increasingly younger ages to become lifelong cigarette smokers.

Our bill will achieve what we failed to accomplish 12 years ago, and we can ill afford to allow this opportunity to pass. I urge my colleagues to join me in supporting this timely and necessary legislation to protect the health of all Americans, especially the millions of children at risk of becoming cigarette smokers.

I yield the floor.

COMMENDING ERIK NECCIAI

Ms. SNOWE. Madam President, I rise today to recognize the outstanding service Erik Necciai has provided to the Senate Committee on Small Business and Entrepreneurship in his capacity as a professional staff member and counsel. When Erik joined the Committee staff just—over 2 years ago—in June 2007 I knew that I had selected a top-notch staffer who cared deeply about making a difference in peoples' lives, and I will feel a deep loss with his departure from Capitol Hill later this week.

Indicative of the dedicated person Erik is, he began his work on the committee the day after he arrived home from his honeymoon in romantic Italy with his new bride, Tina. During his first weeks here, Erik was focused on preparing for a committee roundtable regarding legislative suggestions to improve the Small Business Innovation Research, SBIR, program. He was simultaneously studying for the Maryland bar exam—no small feat! As if that was not enough, Erik faced a daily commute of roughly 2 hours each way, coming from his home in Solomon's Island, MD. After a whirlwind first month, Erik settled in quickly, remaining a proactive staff member who consistently sought new and critical avenues to increase contracting opportunities to small businesses and reform the Small Business Administration's HUBZone program.

Over his 2 years on the Hill, Erik has helped me develop thoughtful and probing legislation regarding small business contracting and procurement. Committee Chair Mary Landrieu and I will soon be introducing crucial legislation to reauthorize and make significant improvements to the SBIR and Small Business Technology Transfer, STTR, programs, and Erik was instru-

mental in helping us craft this bill. Additionally, Erik always prepared comprehensive and insightful background materials for me that included meticulously researched statistics for committee hearings and roundtables. He has also been personally responsive to small businesses seeking help navigating the confusing and difficult maze known as Federal contracting. And Erik has been an aggressive watchdog, exhorting government agencies to not just meet but exceed their small business contracting goals.

Prior to joining the committee staff, Erik had already assembled an impressive and varied resume. A contracting specialist and procurement technician and Navy acquisitions consultant for the Department of the Navy, Erik came to the Senate armed with the necessary experience and knowledge to hit the ground running in procurement. A 2006 dean's list graduate of the Thomas M. Cooley Law School in Michigan, Erik has also interned for the circuit court of his home county in Frederick, MD, in addition to serving as a law clerk for the District Court of Ingham County, MI. These experiences all led to the in-depth and extensive knowledge Erik possess about contract law.

He graduated from Virginia Tech in 2002 with a major in biology and chemistry. This led to his work in 2003 as a research scientist for the National Cancer Institute at the National Institutes of Health. Prior to taking that position, Erik went overseas to South Africa to take part in student research. He organized and presented several lectures on government and conservation issues, including voting rights and the AIDS epidemic.

Erik has also given generously of his time in the service of others. He has been a dental assistant at the Virginia Homeless Dental Clinic, and received the Volunteer of the Year Award for his stellar work as a hospital operating room assistant. A division I varsity scholarship athlete in track and field—who was named a 2002 Virginia Tech Athlete of the Year—Erik has also combined his athletic prowess and engaging speaking skills to participate as a motivational speaker for Special Olympics athletes.

Erik's perpetual smile and charming demeanor make him eminently likeable and easily approachable. His responsible nature and insightful analytical skills make him a key member of any group, and a talented Hill staffer. The consummate team player, Erik never seeks credit or recognition for himself, but always looks for ways that government can empower people to improve their lot.

A proud native of Maryland, Erik Necciai has already led an exciting life. But on Thursday, Erik leaves the Senate to begin a new chapter as the director of an international consulting firm headquartered locally in Northern Virginia. I only hope that he can find a way to reduce his commute time. That